

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

**PRIME HEALTHCARE SERVICES -
ENCINO, LLC d/b/a/ ENCINO HOSPITAL
MEDICAL CENTER,**

Respondent,

SEIU LOCAL 121RN,

**Cases: 31-CA-066061
31-CA-070323**

Union,

and,

**SEIU UNITED HEALTHCARE
WORKERS-WEST,**

Case: 31-CA-080554

Union; and

**PRIME HEALTHCARE SERVICES –
GARDEN GROVE, LLC d/b/a
GARDEN GROVE HOSPITAL & MEDICAL
CENTER,**

Cases: 21-CA-080722

Respondent,

**SEIU UNITED HEALTHCARE
WORKERS-WEST,**

Union.

**RESPONDENTS ENCINO’S AND GARDEN GROVE’S ANSWERING BRIEF TO
UHW’S CROSS EXCEPTIONS**

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board (“NLRB”), Prime Healthcare Services - Encino, LLC d/b/a Encino Hospital Medical Center (“Encino”) and Prime Healthcare Services - Garden Grove, LLC d/b/a Garden Grove Hospital & Medical Center (collectively, “Prime”) submit this Answering Brief to SEIU United

Healthcare Workers-West's ("UHW") Cross Exceptions to the Decision of the Administrative Law Judge ("ALJ") in the above-captioned matters.

In its Exceptions, UHW requests a number of extraordinary remedies, many of which are unprecedented, including requiring the Notice to be read by UHW's officers without management present, requiring that Prime post the Notice for at least the length of time between the alleged ULPs and the time that the Notice is first posted, and requiring Prime to mail the Notice and Decision to all former employees using union-represented carriers. Such additional remedies are entirely inappropriate.


First, the nature of the case does not support UHW's request for extraordinary remedies. The charges in this matter allege that Prime failed to furnish information and continue anniversary wage increases in accordance with the provisions of expired collective bargaining agreements based on a dispute over the interpretation of the contracts. There has been no allegation in this case that Prime unlawfully disciplined bargaining unit employees, or otherwise attempted to interfere with employees' Section 7 activities or erode union support. UHW has provided no explanation as to why the traditional remedies ordered by the ALJ would be inadequate to remedy these wholly unremarkable alleged ULPs, nor did it cite to any precedent in support of its requests. Instead, UHW merely provides a generalized statement that the remedy and Order are "inadequate." UHW has not set forth an adequate justification for the NLRB to depart from its traditional remedies. *See Postal Service*, 360 N.L.R.B. No. 35, slip op. at 5 (2014); *Chinese Daily News*, 346 N.L.R.B. 906, 909 (2006).

UHW's demand that the Notice be posted "for at least the length of time when the unfair labor practice began until the Notice is posted" is particularly brazen. The sole cause of the delay in this case was UHW's sustained refusal to comply with the Subpoenas – conduct that

was described by the ALJ as contumacious and for which the ALJ imposed the full range of trial sanctions against UHW. UHW's attempts to leverage its misconduct and impose an additional burden on Prime is outrageous and belies the disingenuous nature of UHW's requests.

For the foregoing reasons, UHW's Cross Exceptions should be denied in full.

Respectfully Submitted,

-MB

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2015, a copy of the Respondents'

Answering Brief to UHW's Cross Exceptions was served upon the following:

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